



Standard Operating Procedure – Sexual Harassment

Sexual harassment has no place at the Hebrew Educational Alliance ("HEA"). HEA is firmly committed to providing its employees, Congregants, and others with an environment that is free of sexual harassment.

This document explains HEA's standard procedure for processing complaints and conducting investigations related to sexual harassment and retaliation. It is intended as a general guide for staff and officers of HEA and to enhance consistency in treatment.

HEA cooperates fully with any investigation conducted by authorized law enforcement. We may refer a complaint and the result of our investigation to those agencies. We may do so prior to the completion of our internal investigation.

COMPLAINT PROCEDURE¹

Any complaint of sexual harassment involving HEA should promptly be brought to the attention of one (or more) of the following:

1. The HEA Executive Director;
2. The HEA President; or
3. Any HEA Vice President

Step 1 – Referral of Complaint

1. The person to whom the complaint is brought will refer it to the President (unless the complaint involves the President, in which event the complaint will be handled as described below, as may be appropriate).
2. If the complaint involves the President, then the person to whom the complaint is brought will refer it to the President Elect.
3. If the complaint involves the President and there is not a President Elect in office at the time the complaint is received, the Executive Director or any Vice-President will convene a meeting of the sitting Vice Presidents and the sitting Vice Presidents will select one of their members to receive the complaint.
4. In the following procedure, the actions of the "President" will be fulfilled by whichever officer receives the complaint pursuant to this Step 1.

Step 2 – Review for Immediate Steps

1. The President will determine in the first instance whether any person involved in the complaint requires immediate medical or police intervention. Complaints that involve physical assault should be referred immediately to the police. Any person requiring medical care should be referred to an appropriate health care provider.

¹ Step 4 of this Complaint Procedure aside, outside legal counsel may be engaged at any time at the discretion of the President, or the acting party as defined in this Standard Operating Procedure. Further, counsel may advise HEA that counsel should take the lead role in an investigation.

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2. If at any point in an investigation it appears appropriate to refer the matter to the police or to refer anyone involved to appropriate medical or psychological care, the President or the Review Board will make an appropriate referral. Nothing in this Standard Procedure is meant to prevent any individual from applying common sense to the need for police or medical intervention.

Step 3 – Formation of a Review Board

1. The President will appoint a Review Board to oversee investigation of the complaint.
 - a. The Review Board is to include one or more members of the Executive Committee.
 - b. Any Review Board must be comprised of an odd number of members to preclude tie votes, should any voting be undertaken.
 - c. Under no circumstances may a person against whom a complaint is made be named to the Review Board to investigate that complaint.
 - d. A person who has been the subject of a prior complaint with respect to this policy may or may not be eligible to sit on the Review Board. The determination of eligibility is at the sole discretion of the President.
 - e. Provided that it is consistent with the remaining standard procedures, the President may select him- or herself to serve on the Review Board.
2. The President will designate the Chair of the Review Board.
 - a. The President may select him or herself to be the Chair of the Review Board.
3. The Chair of the Review Board may select advisory members.
 - a. The Executive Director or a clergy member may serve as an advisory member of the Review Board at the pleasure of the Chair.
4. All members of the Review Board must maintain the confidentiality of any complaint and of the investigation. No member of the Review Board, nor the original recipient of the complaint, may disclose the nature of the complaint or the individuals involved to third parties, including other individuals in the workplace and members of the Congregation. Any announcement or acknowledgment concerning personnel action must be made by the President or other person responsible for implementing the investigation.

Step 4 – Seek Advice of Counsel

1. The Chair of the Review Board will consult with outside counsel for legal advice. In situations that call for the investigation to be covered by attorney-client privilege, the attorney may recommend a professional investigation to collect information for the Review Board or may delegate the Chair to collect information to convey to the attorney for purposes of preparing legal advice.

Step 5 – Provide for Complainant's Security

1. Where a Staff member is the subject of the complaint, the Chair may ask the HEA Executive Director (or the President in the instance where a clergy member is implicated) to place the Staff member on paid administrative leave for the duration of an investigation.
2. Where a Non-Staff member is the subject of the complaint, the Chair may ask the HEA Executive Director to instruct such Non-Staff person to stay off HEA premises and not

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to participate in any synagogue-related activity, regardless of location, for the duration of the investigation.

Step 6 – Sexual Harassment Intake and Report

1. The Chair of the Review Board, or another person recommended by counsel, will initiate the investigation by:
 - a. Requesting the Complainant provide a HEA Sexual Misconduct Complaint Intake Form setting forth, to the extent known:
 - i. The name(s) of the perpetrator(s)
 - ii. The actual or approximate date(s) and time(s) that the Complainant was subjected to sexual harassment
 - iii. Where the incident(s) took place
 - iv. A full description of the harassment to which the Complainant was subjected
 - v. Any and all witnesses to the harassment; and
 - vi. Any other relevant information, including Digital Information, that might be available.
 - b. Alternatively, or if information is missing, interviewing the Complainant and gathering the necessary information.
 - c. Complainants should not be promised absolute confidentiality. In the course of an investigation, it may be necessary to provide limited information to individuals who are the subject of the investigation in order to identify specific events. Further, the HEA may be obligated to disclose a complaint(s) whose origins relate to the HEA PR or HEA RS to parents of those students enrolled in the respective school.
2. It is extremely important that the Complainant provide the Review Board with as much detail concerning the alleged misconduct and supplement it if additional information is subsequently recalled later.

Step 7 – Additional Investigation

1. The HEA is committed to investigating any claim of sexual harassment. At the discretion of the Review Board, the investigation may include:
 - a. Interviewing the Complainant, witnesses and the alleged perpetrator(s)
 - b. Requesting and reviewing Digital Information as defined in the HEA Sexual Harassment Policy; or
 - c. Any other steps germane to exploring any and all facts pertaining to the complaint.
2. Investigations are not limited to the facts or violations of policy alleged in the complaint. The Review Board may pursue its research into any area reasonably related to the original complaint.
3. HEA policy extends to all interactions between HEA Staff and/or Non-Staff related to HEA in any way. Violations of policy may occur at meetings, conventions, conferences, trips, retreats, social events and the like outside of HEA's physical premises, in the homes of synagogue members, or in other locations where members may be present, where and when HEA-related services are being provided. Violations may also occur in communications such as social media posts, e-mail, or text messages.

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4. Investigations are to be completed within 30 days of receipt of a HEA Sexual Misconduct Complaint Intake Form or a report shall be issued to all parties to the complaint stating why the 30-day window was not met.

Step 8 - Corrective Action

1. The Review Board is responsible for reviewing the information collected through the investigation and determining whether additional investigation is required and whether a violation of HEA policy has occurred. The Review Board is not limited to considering the violation alleged in the original complaint.
2. If the Review Board determines that a violation of HEA policy has occurred, the Chair will so advise the President (or the Executive Committee if the President is involved in the complaint). The HEA is committed to taking swift and appropriate Corrective Action to eradicate inappropriate behavior from the work environment as well as any of the additional aforementioned locations.
3. The President (or the Executive Committee if the President is involved in the complaint) will determine the Corrective Action to be taken. The President or Executive Committee is encouraged to seek the advice of HEA's outside counsel.

The Corrective Action will be determined by HEA at its sole discretion.

4. When Corrective Action applies to Staff, it may include, but is not limited to:
 - a. Providing an oral or written warning to the perpetrator(s)
 - b. Suspending the perpetrator(s) with or without pay
 - c. Terminating the perpetrator's(') employment for cause
 - d. The perpetrator(s) may be asked to stay off/out of HEA properties and buildings or be subject to appropriate action for trespass.
5. When Corrective Action applies to Non-Staff and that person(s) is(are) a member(s) of the Board of Directors or other synagogue volunteer(s) it may include, but is not limited to: Removal of the perpetrator(s) from those position(s).
6. When Corrective Action applies to Non-Staff and that person(s) is an HEA congregant(s):
 - a. The congregant's(') association with HEA may be terminated (and any prepaid dues refunded)
 - b. The congregant(s) may be asked to stay off/out of HEA property and buildings or be subject to appropriate action for trespass
 - c. If the congregant(s) have a Family Membership and have children or grandchildren enrolled in HEA Preschool (PS), HEA Religious School (RS), other conditions may be imposed at the sole discretion of the President (or the Executive Committee if the President is involved in the complaint)
 - d. If the congregant(s) have a Family Membership and the perpetrator is a minor, and the minor is enrolled in PS, RS, or a Youth Program (YP) participant:
 - i. A mandatory education and/or counseling for the minor may be imposed
 - ii. Direct supervision of the minor at the expense of the parent may be imposed
 - iii. The minor may be expelled from PS, RS, or YP or for any subsequent incident (and any prepaid dues or activity payments refunded).

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In some instances, a person may have overlapping characteristics given their status as both Staff and Non-Staff, e.g., a part time teacher who is a congregant. As a result, the Corrective Action may be cumulative.

Once a determination has been made of the appropriate Corrective Action, and the President or Executive Committee has taken the Corrective Action, the Complainant may be advised as to the Corrective Action which HEA intends to undertake.

Further, HEA may disclose a complaint(s) whose origins relate to the HEA PR or HEA RS to parents of those students enrolled in the respective school.

RETALIATION PROCEDURE

The HEA does not retaliate in any way against any person because they have made a complaint of sexual harassment or because they have cooperated in the investigation of such a claim.

Any complaint of suspected retaliation involving the HEA should promptly be reported in the same way as a complaint of harassment, in accordance with the procedure above. The HEA will follow the procedure above with regard to complaints of retaliation, in addition to complaints of harassment.

SEXUAL HARASSMENT TRAINING & COMPLIANCE

All Staff and members of the HEA Board of Directors must attend and receive approved and current training on workplace sexual harassment on an annual and recurring basis. Any expense incurred for this training, including paid Staff time, will be borne by the HEA.